

2. Section 7 of the commodity coverage policy as shown in § 418.167 is amended to read as follows:

7. *Fixed price.* The fixed price per bushel for any crop year shall be the product of (a) the percentage level of support for co-operators which is officially announced by the Secretary of Agriculture for wheat for that crop year and (b) the parity price of wheat as officially announced by the Secretary of Agriculture for January 15 of the calendar year in which the crop is to be harvested, with differentials determined by the Corporation for the location of the insurance unit. However, for any crop year for which (a) producers have disapproved marketing quotas for wheat or (b) the Secretary of Agriculture has not officially announced the percentage level of support for wheat for co-operators by January 15 of the calendar year in which the crop is to be harvested, the fixed price shall be that determined by the Corporation.

3. Section 32 of the commodity coverage policy as shown in § 418.167 is amended for Montana and Utah to read as follows:

| State and county | Cancellation date | Discount date | Maturity date |
|-------------------|-------------------|---------------|---------------|
| Montana: | | | |
| Blaine..... | June 30 | June 15 | July 31 |
| Cascade..... | do | do | Do. |
| Chateau..... | do | do | Do. |
| Fergus..... | do | do | Do. |
| Hill..... | do | do | Do. |
| Judith Basin..... | do | do | Do. |
| Liberty..... | do | do | Do. |
| Petroleum..... | do | do | Do. |
| Pondera..... | do | do | Do. |
| Teton..... | do | do | Do. |
| All others..... | Dec. 31 | do | Do. |
| Utah..... | June 30 | do | Do. |

4. Section 32 of the monetary coverage policy as shown in § 418.168 is amended for Montana and Utah to read as follows:

| State and county | Cancellation date | Discount date | Maturity date |
|-------------------|-------------------|---------------|---------------|
| Montana: | | | |
| Blaine..... | June 30 | June 15 | July 31 |
| Cascade..... | do | do | Do. |
| Chateau..... | do | do | Do. |
| Fergus..... | do | do | Do. |
| Hill..... | do | do | Do. |
| Judith Basin..... | do | do | Do. |
| Liberty..... | do | do | Do. |
| Petroleum..... | do | do | Do. |
| Pondera..... | do | do | Do. |
| Teton..... | do | do | Do. |
| All others..... | Dec. 31 | do | Do. |
| Utah..... | June 30 | do | Do. |

Adopted by the Board of Directors on December 15, 1949.

(Secs. 506 (e), 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506 (e), 1516 (b). Interpret or apply secs. 507 (c), 508, 509, 52 Stat. 73, 74, 75, as amended; Pub. Law 268, 81st Cong.; 7 U. S. C. and Sup. 1507 (c), 1508, 1509)

[SEAL]

E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: December 20, 1949.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-10415; Filed, Dec. 23, 1949; 8:49 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

APPORTIONMENT OF THE NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR THE 1950-51 MARKETING YEAR

§ 725.104 *Basis and purpose.* The purpose of this proclamation is to apportion among the several States the national marketing quota for flue-cured tobacco for the 1950-51 marketing year proclaimed July 1, 1949, and published in the FEDERAL REGISTER on July 7, 1949 (14 F. R. 3737), in accordance with the provisions of section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. Prior to the apportionment of such quota among the several States, public notice of the proposed action was given (14 F. R. 7361) in accordance with the Administrative Procedure Act. The views and recommendations of flue-cured tobacco growers and other interested persons have been duly considered, within the limits prescribed by the Agricultural Adjustment Act of 1938, as amended, in apportioning the quota among the several States.

§ 725.105 *Apportionment of the national marketing quota for flue-cured tobacco for the 1950-51 marketing year among the several States.* The national marketing quota proclaimed in § 725.102 is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of said act, as follows:

| State: | Acreage allotment |
|----------------------------|-------------------|
| Alabama..... | 500 |
| Florida..... | 20,012 |
| Georgia..... | 96,792 |
| North Carolina..... | 639,669 |
| South Carolina..... | 110,870 |
| Virginia..... | 97,117 |
| Reserve ² | 4,850 |

¹ Increased from 482 to 500 to provide minimum allotment required by section 313 (e) of the Agricultural Adjustment Act of 1938, as amended.

² Acreage reserved for establishing allotments for farms upon which no flue-cured tobacco has been grown during the past five years.

(52 Stat. 46, 47, 202; 53 Stat. 1261; 7 U. S. C. 1312-1313)

Done at Washington, D. C., this 21st day of December 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-10449; Filed, Dec. 23, 1949; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 307]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.453 *Orange Regulation 307—(a) Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on December 22, 1949; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

RULES AND REGULATIONS

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 25, 1949, and ending at 12:01 a. m., P. s. t., January 1, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: Unlimited movement;

(c) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: 715 carloads;

(b) Prorate District No. 2: 100 carloads;

(c) Prorate District No. 3: 85 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Part 966; 14 F. R. 3614)

Done at Washington, D. C., this 23d day of December 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Dec. 25, 1949 to 12:01 a. m. Jan. 1, 1949]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

| Handler | Prorate base (percent) |
|--|------------------------|
| Total | 100.0000 |
| A. F. G. Lindsay | 2.0721 |
| A. F. G. Porterville | 1.5400 |
| Ivanhoe Cooperative Association | .7379 |
| Dofflemyer & Son, W. Todd | .4961 |
| Earliest Orange Association | 1.3480 |
| Elderwood Citrus Association | 1.4302 |
| Exeter Citrus Association | 2.6006 |
| Exeter Orange Growers Association | 1.9552 |
| Exeter Orchards Association | 1.4823 |
| Hillside Packing Association | 1.3372 |
| Ivanhoe Mutual Orange Association | |
| | 1.0018 |
| Klink Citrus Association | 4.9836 |
| Lemon Cove Association | 1.7452 |
| Lindsay Citrus Growers Association | 2.5660 |
| Lindsay Cooperative Citrus Association | |
| | 1.6470 |
| Lindsay Fruit Association | 1.9916 |
| Lindsay Orange Growers Association | .6563 |
| Naranjo Packing House Co. | .6181 |
| Orange Cove Citrus Association | 8.7775 |
| Orange Cove Orange Growers Association | |
| | 1.9158 |
| Orange Packing Company | 1.8204 |
| Orosi Foothill Citrus Association | 2.1201 |

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

| Handler | Prorate base (percent) |
|---|------------------------|
| Paloma Citrus Fruit Association | 1.1148 |
| Rocky Hills Citrus Association | .3968 |
| Sanger Citrus Association | 2.8815 |
| Sequoia Citrus Association | .6999 |
| Stark Packing Corp. | 1.7862 |
| Visalia Citrus Association | 1.8639 |
| Waddell & Sons | 2.1076 |
| Butte County Citrus Association, Inc. | 1.1761 |
| Mills Orchards Co., James | 1.5839 |
| Orland Orange Growers Association, Inc. | .5995 |
| Andrews Bros. of California | .3360 |
| Baird-Neece Corp. | 1.4379 |
| Beattie Association, D. A. | .7440 |
| Grand View Heights Citrus Association | 2.1078 |
| Magnolia Citrus Association | 1.8641 |
| Porterville Citrus Association, The | 1.5609 |
| Richgrove-Jasmine Citrus Association | 1.3428 |
| Sandilands Fruit Co. | .8562 |
| Strathmore Cooperative Association | 1.1177 |
| Strathmore District Orange Association | 1.5996 |
| Strathmore Fruit Growers Association | 1.1179 |
| Strathmore Packing House Co. | 1.7207 |
| Sunflower Packing Association | 2.2186 |
| Sunland Packing House Co. | 2.5887 |
| Terra Bella Citrus Association | 1.6941 |
| Tule River Citrus Association | 1.2964 |
| Kroells Packing Co. | 1.2627 |
| Lindsay Mutual Groves | 1.6074 |
| Martin Ranch | 1.1764 |
| Webb Packing Co., Inc. | .4406 |
| Woodlake Packing House | 2.4785 |
| Abrahamian, M. | .0059 |
| Anderson Packing Co. | .4144 |
| Arnst, John J. | .0000 |
| Associated Growers Cooperative | .4756 |
| Babcock, Herman V. | .0020 |
| Baker Bros. | .1008 |
| Barnes, Gerald E. | .0000 |
| Batkins, Jr., Fred A. | .0367 |
| Bishop, Lester | .0005 |
| Buller, Herman | .0029 |
| California Citrus Groves, Inc., Ltd. | 2.4161 |
| Chess Co., Meyer W. | .0920 |
| Codromac, Edward F. | .0035 |
| Crane, Gus | .0000 |
| Crispi, Frances | .0024 |
| Currer, Walter | .0030 |
| Darby, Fred J. | .0246 |
| Dubendorf, John | .1218 |
| Edison Groves Co. | .9417 |
| Exeter Groves Packing Co., Inc. | .0000 |
| Field, W. D. | .0079 |
| Furr, N. C. | .2147 |
| Ghianda Ranch | .0154 |
| Hagar, John | .0030 |
| Harding & Leggett | 2.0575 |
| Hipp, Joseph | .0020 |
| Kim, Chas. | .0658 |
| Le Bue Bros. | .9902 |
| Maas, W. A. | .0295 |
| Marks, W. & M. | .4464 |
| McCleary, Jones E. | .0049 |
| Moore Packing Co., Myron | .0430 |
| Nelson, F. H. | .0086 |
| Nicholas, Richard | .0036 |
| Randolph Marketing Co., Inc. | 2.4072 |
| Reimers, Don H. | .2687 |
| Richardson, W. A. | .0197 |
| Rooke Packing Co., B. G. | 2.4183 |
| Sechrist, Calvin C. | .0089 |
| Sherman, A. W. | .0078 |
| Shong, Samuel O. | .0365 |
| Simmons, A. E. | .0039 |
| Swenson, L. W. | .0934 |
| Todd, C. M. | .0117 |
| Toy, Chin | .0357 |

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

| Handler | Prorate base (percent) |
|--------------------------------|------------------------|
| Travis, J. A. | 0.0189 |
| Vincent, Walter H. | .0236 |
| Wilbur, G. C. | .0039 |
| Woodlake Heights Packing Corp. | .5642 |
| Zaninovich Bros., Inc. | .9210 |

Prorate District No. 2

| | |
|---|----------|
| Total | 100.0000 |
| A. F. G. Alta Loma | .5525 |
| A. F. G. Corona | .0869 |
| A. F. G. Fullerton | .0271 |
| A. F. G. Orange | .0332 |
| A. F. G. Riverside | .7294 |
| A. F. G. Santa Paula | .0432 |
| Hazeltine Packing Co. | .1348 |
| Placentia Pioneer Valencia Growers Association | .0686 |
| Signal Fruit Association | .9949 |
| Azusa Citrus Association | 1.1032 |
| Damerel-Allison Company | .9451 |
| Glendora Mutual Orange Association | .4689 |
| Puente Mutual Orange Association | .0535 |
| Valencia Heights Orchards Association | .2006 |
| Covina Citrus Association | 1.2619 |
| Covina Orange Growers Association | .5284 |
| Glendora Citrus Association | .8852 |
| Glendora Heights Orange & Lemon Growers Association | .0810 |
| Gold Buckle Association | 3.6553 |
| La Verne Orange Association | 4.8541 |
| Anaheim Citrus Fruit Association | .0585 |
| Anaheim Valencia Orange Association | .0155 |
| Eadington Fruit Co., Inc. | .4667 |
| Fullerton Mutual Orange Association | .2179 |
| La Habra Citrus Association | .0957 |
| Orange County Valencia Association | .0136 |
| Orangethorpe Citrus Association | .0196 |
| Placentia Cooperative Orange Association | .0202 |
| Yorba Linda Citrus Association, The | .0113 |
| Escondido Orange Association | .4400 |
| Alta Loma Heights Citrus Association | .3185 |
| Citrus Fruit Growers | 1.0684 |
| Etiwanda Citrus Fruit Association | .1979 |
| Mountain View Fruit Association | .1170 |
| Old Baldy Citrus Association | .3706 |
| Rialto Heights Orange Growers | .5028 |
| Upland Citrus Association | 2.3219 |
| Upland Heights Orange Association | 1.1602 |
| Consolidated Orange Growers | .0245 |
| Frances Citrus Association | .0033 |
| Garden Grove Citrus Association | .0303 |
| Goldenwest Citrus Association, The | .0960 |
| Olive Heights Citrus Association | .0419 |
| Santa Ana-Tustin Mutual Citrus Association | .0128 |
| Santiago Orange Growers Association | .1273 |
| Tustin Hills Citrus Association | .0209 |
| Villa Park Orchards Association, The | .0232 |
| Bradford Bros., Inc. | .2268 |
| Placentia Mutual Orange Association | .1840 |
| Placentia Orange Growers Association | .1224 |
| Yorba Orange Growers Association | .0381 |
| Call Ranch | .4575 |
| Corona Citrus Association | .8545 |
| Jameson Co. | .2982 |
| Orange Heights Orange Association | 1.5709 |

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—
continued

Prorate District No. 2—Continued

| Handler | Prorate base (percent) |
|--|---------------------------|
| Crafton Orange Growers Association | 1.5780 |
| East Highlands Citrus Association | .4447 |
| Fontana Citrus Association | .5163 |
| Redlands Heights Groves | .8531 |
| Redlands Orangedale Association | 1.1165 |
| Break & Son, Allen | .2454 |
| Bryn Mawr Fruit Growers Association | 1.0569 |
| Mission Citrus Association | .9439 |
| Redlands Cooperative Fruit Association | 1.7716 |
| Redlands Orange Growers Association | 1.1241 |
| Redlands Select Groves | .4480 |
| Rialto Citrus Association | .5592 |
| Rialto Orange Co. | .3819 |
| Southern Citrus Association | 1.0505 |
| United Citrus Growers | .6448 |
| Zillen Citrus Co. | .6758 |
| Arlington Heights Citrus Co. | .9821 |
| Brown Estate, L. V. W. | 1.7681 |
| Gavilan Citrus Association | 1.6558 |
| Highgrove Fruit Association | .7698 |
| Krind Packing Co. | 1.8814 |
| McDermont Fruit Co. | 1.8011 |
| Monte Vista Citrus Association | 1.4349 |
| National Orange Co. | .9602 |
| Riverside Heights Orange Growers Association | 1.2202 |
| Sierra Vista Packing Association | .9068 |
| Victoria Avenue Citrus Association | 2.8286 |
| Claremont Citrus Association | .9513 |
| College Heights Orange and Lemon Association | 1.7643 |
| Indian Hill Citrus Association | 1.1056 |
| Walnut Fruit Growers Association | .4613 |
| West Ontario Citrus Association | 1.3096 |
| El Cajon Valley Citrus Association | .2310 |
| Escondido Cooperative Citrus Association | .0738 |
| San Dimas Orange Growers Association | 1.0988 |
| Ball & Tweedy Association | .1159 |
| Canoga Citrus Association | .0772 |
| Covina Citrus Association | .1662 |
| North Whittier Heights Citrus Association | .1427 |
| San Fernando Fruit Growers Association | .8969 |
| San Fernando Heights Orange Association | .2259 |
| Sierra Madre-Lamanda Citrus Association | .2647 |
| Camarillo Citrus Association | .0089 |
| Fillmore Citrus Association | .9770 |
| Ojai Orange Association | .8163 |
| Piru Citrus Association | .7812 |
| Rancho Sespe | .0017 |
| Santa Paula Orange Association | .1234 |
| Tapo Citrus Association | .0077 |
| Ventura County Citrus Association | .0241 |
| East Whittier Citrus Association | .0083 |
| Whittier Citrus Association | .0794 |
| Whittier Select Citrus Association | .0285 |
| Anaheim Cooperative Orange Association | .0388 |
| Bryn Mawr Mutual Lemon Association | .5263 |
| Chula Vista Mutual Orange Association | .0922 |
| Euclid Avenue Orange Association | 2.8459 |
| Foothill Citrus Union, Inc. | .2117 |
| Fullerton Cooperative Orange Association | .0107 |
| Garden Grove Orange Cooperative, Inc. | .0000 |
| Golden Orange Groves, Inc. | .3315 |
| Highland Mutual Groves, Inc. | .3549 |
| Index Mutual Groves, Inc. | .0040 |
| La Verne Cooperative Citrus Association | 8.2992 |
| Mentone Heights Association | .6051 |
| Olive Hillside Groves | .0064 |

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—
continued

Prorate District No. 2—Continued

| Handler | Prorate base (percent) |
|--|---------------------------|
| Orange Cooperative Citrus Association | 0.0298 |
| Redlands Foothill Groves | 2.7138 |
| Redlands Mutual Orange Association | 1.1017 |
| Ventura County Orange & Lemon Association | .2038 |
| Whittier Mutual Orange & Lemon Association | .0203 |
| Babijuce Corp. of California | .3409 |
| Border Fruit Co. | .0311 |
| Cherokee Citrus Co., Inc. | 1.2370 |
| Chess Co., Meyer W. | .3366 |
| Dunning Ranch | .1376 |
| Evans Brothers Packing Co. | 1.3564 |
| Gold Banner Association | 2.1426 |
| Granada Packing House Co. | 2.3118 |
| Hill, Fred A., Packing House | .6599 |
| Orange Belt Fruit Distributors | 1.9284 |
| Panno Fruit Co., Carlo | .1144 |
| Paramount Citrus Association | .0847 |
| Placentia Orchard Co. | .0613 |
| Riverside Citrus Association | .3244 |
| San Antonio Orchard Co. | 1.3292 |
| Snyder & Sons Co., W. A. | .5106 |
| Stephens, T. F. | .1156 |
| Wall, E. T., Growers-Shippers | 1.8056 |
| Western Fruit Growers, Inc. | 3.6377 |

Prorate District No. 3

| | |
|-------------------------------------|----------|
| Total | 100.0000 |
| Allen & Allen Citrus Packing Co. | 1.9806 |
| Consolidated Citrus Growers | 20.2438 |
| McKellips Citrus Co., Inc. | 6.4222 |
| Phoenix Citrus Packing Co. | 2.7948 |
| Arizona Citrus Growers | 14.2405 |
| Chandler Heights Citrus Growers | 2.5705 |
| Desert Citrus Growers | 5.4851 |
| Mesa Citrus Growers | 12.2099 |
| Tal Wi-Wi Ranches | .7537 |
| Tempo Citrus Co. | 2.7391 |
| Yuma Mesa Fruit Growers Association | .1353 |
| Leppa-Henry Produce Co. | 10.6501 |
| Maricopa Citrus Co. | 2.5903 |
| Pioneer Fruit Co. | 6.1726 |
| Champion, L. M. | .0000 |
| Clark & Sons, J. H. | .3373 |
| Commercial Citrus Packing Co. | 3.0048 |
| Dhuyster Bros. | 1.0131 |
| Goldman, George C. | .4633 |
| Ishikawa, Paul | .1427 |
| Macchiaroli Fruit Co. | .1403 |
| Mattingly Fruit Co. | 1.2929 |
| Orange Belt Fruit Distributors | .0884 |
| Potato House, The | 2.0472 |
| Valley Citrus Packing Co. | 2.4815 |

[F. R. Doc. 49-10492; Filed, Dec. 23, 1949;
11:32 a. m.]TITLE 24—HOUSING AND
HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE;
ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

RACIAL RESTRICTIONS

Correction

In Federal Register Document 49-10034, appearing on page 7579 of the issue for Tuesday, December 20, 1949, the

designation of § 221.26a should read "221.26b".

TITLE 29—LABOR

Chapter V—Wage and Hour Division,
Department of LaborPART 541—DEFINING AND DELIMITING THE
TERMS "ANY EMPLOYEE EMPLOYED IN A
BONA FIDE EXECUTIVE, ADMINISTRATIVE,
PROFESSIONAL OR LOCAL RETAILING CAPACITY,
OR IN THE CAPACITY OF OUTSIDE SALESMAN"

Section 13 (a) (1) of the Fair Labor Standards Act, as amended, provides an exemption from the minimum wage and overtime provisions of the act for employees employed in a bona fide executive, administrative, professional or local retailing capacity, or in the capacity of outside salesman as such terms are defined and delimited by the regulations of the Administrator. Pursuant to this provision of the act, the Administrator has issued regulations Part 541 defining and delimiting these terms.

On December 2, 1947, after due notice published in the FEDERAL REGISTER, a hearing was held before a representative of the Administrator for the purpose of obtaining evidence with respect to what changes should be made in salary criteria and other provisions of these regulations.

Subsequent to the hearing, the presiding officer submitted a report to the Administrator containing an analysis of the evidence and data received during the course of the hearing and making recommendations for revising the regulations. The report also contained material explaining and illustrating some of the terms used in the recommended regulations. On the basis of the recommendations of the presiding officer, the Administrator on September 10, 1949 published in the FEDERAL REGISTER (14 F. R. 5573) notice of proposed revised regulations. The notice also provided that prior to the final adoption of the regulations as proposed, consideration would be given to any data, views or arguments pertaining thereto which were filed with the Administrator in writing within 30 days from the date of publication in the FEDERAL REGISTER. The notice also stated that copies of the presiding officer's report would be furnished to interested persons upon request and would otherwise be made available for examination by interested persons. Pursuant to this notice, comments were received and all such comments have been carefully considered. On the basis of such comments some minor changes in the language of the regulations as proposed have been adopted.

Accordingly, pursuant to the authority vested in me by section 13 (a) (1) of the Fair Labor Standards Act, as amended (52 Stat. 1060; 29 U. S. C. 201; as amended, 63 Stat. 910), the regulations in Part 541 are designated Subpart A and hereby amended to read as follows:

SUBPART A—GENERAL REGULATIONS

Sec.

541.1 Executive.

541.2 Administrative.

Sec.

- 541.3 Professional.
- 541.4 Local retailing capacity.
- 541.5 Outside salesman.
- 541.6 Petition for amendment of regulations.

AUTHORITY: §§ 541.1 to 541.6 issued under 52 Stat. 1067, as amended; 29 U. S. C. 213.

SUBPART A—GENERAL REGULATIONS

§ 541.1 *Executive.* The term "employee employed in a bona fide executive * * * capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section; *Provided*, That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

(f) Who is compensated for his services on a salary basis at a rate of not less than \$55 per week (or \$30 per week if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities:

Provided, That an employee who is compensated on a salary basis at a rate of not less than \$100 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.

§ 541.2 *Administrative.* The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Whose primary duty consists of the performance of office or nonmanual field work directly related to management policies or general business operations of his employer or his employer's customers; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c) (1) Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or ad-

ministrative capacity (as such terms are defined in the regulations in this subpart), or

(2) Who performs under only general supervision work along specialized or technical lines requiring special training, experience or knowledge, or

(3) Who executes under only general supervision special assignments and tasks; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than \$75 per week (or \$200 per month if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities:

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than \$100 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of office or nonmanual field work directly related to management policies or general business operations of his employer or his employer's customers, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.

§ 541.3 *Professional.* The term "employee employed in a bona fide * * * professional * * * capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Whose primary duty consists of the performance of work:

(1) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or

(2) Original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee; and

(b) Whose work requires the consistent exercise of discretion and judgment in its performance; and

(c) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not an essential part of and necessarily incident to the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for his services on a salary or fee basis at a rate of

not less than \$75 per week (or \$200 per month if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities: *Provided*, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof:

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than \$100 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of work either requiring knowledge of an advanced type in a field of science or learning, which includes work requiring the consistent exercise of discretion and judgment, or requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

§ 541.4 *Local retailing capacity.* The term "employee employed in a bona fide * * * local retailing capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Who customarily and regularly is engaged in:

(1) Making retail sales of goods or services of which more than 50 percent of the dollar volume are made within the State where his place of employment is located, or

(2) Performing work immediately incidental thereto, such as the wrapping or delivery of packages; and

(b) Whose hours of work of a nature other than that described in paragraphs (a) (1) or (a) (2) of this section do not exceed 20 percent of the hours worked in the workweek by nonexempt employees of the employer.

§ 541.5 *Outside salesman.* The term "employee employed * * * in the capacity of outside salesman" in section 13 (a) (1) of the act shall mean any employee:

(a) Who is employed for the purpose of and who is customarily and regularly engaged away from his employer's place or places of business in:

(1) Making sales within the meaning of section 3 (k) of the act, or

(2) Obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and

(b) Whose hours of work of a nature other than that described in paragraphs (a) (1) or (a) (2) of this section do not exceed 20 percent of the hours worked in the workweek by nonexempt employees of the employer: *Provided*, That work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall not be regarded as nonexempt work.

§ 541.6 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of the foregoing regulations may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator believes

that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes. In determining such future regulations, separate treatment for different industries and for different classes of employees may be given consideration.

For the purpose of outlining and explaining the application of the regulations in Subpart A of this part to specific types of situations, an explanatory bulletin has been prepared which interprets the regulations in Subpart A of this part in the light of their application to specific factual situations. This explanatory bulletin contains statements of general policy and interpretations directly related to the regulations contained in this part, and is therefore published in conjunction with the regulations in this part. This explanatory bulletin, designated as Subpart B of this part, will be published in the FEDERAL REGISTER in the very near future.

Signed at Washington, D. C., this 16th day of December 1949.

WM. R. McCOMB,
Administrator.

[F. R. Doc. 49-10219; Filed, Dec. 23, 1949;
8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

IDENTIFICATION CARDS

Section 861.12 is added as follows:

§ 861.12 *Identification cards.* Recipients must carry their identification cards on their persons on all official occasions.

(a) *Authorized form.* DD (formerly NME) Form 2AF (Res) is authorized for issue to officers of the Air Force Reserve and will replace all identification cards previously issued by military agencies.

(b) *Application.* AF Form 279, "Application for Identification Card," will be used by officers in applying for an identification card.

NOTE: The term "officer" used in this section refers to both commissioned and warrant officers. (Until statutory authority is obtained no legal provision exists for warrant officers in the Air Force Reserve.)

(c) *Delegation of authority.* Authority to issue DD (formerly NME) Form 2AF (Res) to Air Force Reserve officers not on extended active duty is delegated to the Commanding General, Continental Air Command, who may redelegate the authority to subordinate commanders as required.

(d) *To whom issued.* (1) *Air Force Reserve officers.* DD (formerly NME) Form 2AF (Res) will be issued to Air Force Reserve officers as follows:

(i) Air Force Reserve officers not on extended active duty and not members

of the Honorary Reserve when located within the Continental limits of the United States, or within the limits of oversea bases and commands.

(ii) Officers of the Air Force Honorary Reserve. The words "Honorary Reserve" will be stamped plainly across the Department of the Air Force seal on the right side of the front of the card.

(iii) Retired Air Force Reserve officers. The word "Retired" will be stamped plainly across the Department of the Air Force seal on the right side of the front of the card.

(2) *Retired officers of the Air Force of the United States.* DD (formerly NME) Form 2AF (Res) will be issued to Retired officers of the Air Force of the United States (AFUS). The words "AFUS Retired" will be stamped plainly across the Department of the Air Force seal on the right side of the front of the card.

(e) *Issue and replacement procedures.* (1) *Applications submitted to Regular organization.* Air Force Reserve officers not on extended active duty will submit AF Form 279, "Application for Identification Card," to the Regular Air Force organization having custody of his field personnel file. (Application blanks may be obtained at any Air Force activity.) Upon receipt of applications, issuing authorities will furnish appropriate instructions regarding specifications for photographs and identification information which must appear on the card. Blank identification cards with appropriate instructions may be furnished applicants. Applicants will enter the necessary data, obtain fingerprints on the cards, from any civil authority with appropriate facilities, and two photographic prints, size 1 x 1 1/4 inches and will forward the card and photographs to the issuing authority for countersigning and processing. The completed cards will be returned to the applicants through the Regular Air Force organizations having custody of the applicant's field personnel files.

(2) *Applications submitted to Air Adjutant General.* Retired Air Force Reserve officers, retired Air Force of the United States officers, and officers of the Honorary Air Reserve will submit AF Form 279, "Application for Identification Card," to the Air Adjutant General, Headquarters United States Air Force, Attention: Personnel Records Service Division, Washington 25, D. C., who will arrange for its issuance.

(3) *Obtaining photographs.* Officers may obtain photographs without cost at any Army or Air Force installation having appropriate photographic facilities, otherwise photographs must be obtained at no cost to the Government.

(4) *Loss and replacement.* Officers will report loss of identification cards promptly to the issuing authority, through channels, setting forth the circumstances. If the lost card is not recovered in 30 days, the officer may apply for a replacement. Procedures to be followed in applying for replacement are the same as in applying for the original card except reference will be made to the report of loss.

(f) *When issued.* Upon application: (1) At time of initial appointment and to officers now holding commissions or warrants.

(2) When reappointed at expiration of appointment.

(3) When transferred to the Honorary Reserve.

(4) When retired.

(5) To replace a lost or mutilated card.

(6) To correct an error.

(7) To change identification data other than change in grade or change in weight due to normal gains and losses.

(g) *Surrender.* (1) *When surrendered.* Officers will surrender DD (formerly NME) Form 2AF (Res):

(i) Upon discharge or resignation.

(ii) Upon expiration of appointment.

(iii) Upon transfer to Honorary Reserve.

(iv) Upon retirement.

(2) *Cards previously issued.* Identification cards previously issued by military agencies will be surrendered by officers upon receipt of DD (formerly NME) Form 2AF (Res).

(3) *Cards not to be surrendered.* Officers will not be required to surrender DD (formerly NME) Form 2AF (Res) when called to extended active duty even though they subsequently are issued another type of card.

[AFR 45-47, Dec. 8, 1949] (Secs. 4, 6, 62 Stat. 89, 91; 10 U. S. C. Sup. II, 422, 5 U. S. C. Sup. II, 626k)

[SEAL]

L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 49-10406; Filed, Dec. 23, 1949;
8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Rev. Gen. Order 23, Supp. 3—WSA Function Series]

PART 310—MERCHANT MARINE TRAINING PAY AND ALLOWANCES, TRANSPORTATION AND TRAVEL, AND SUBSISTENCE

1. Effective as of December 31, 1949, at twelve o'clock, midnight, e. s. t., paragraph (f) of § 310.21 *Rates of pay*, paragraphs (d) and (e) of § 310.22 *Transportation and travel* and paragraphs (a), (c) and (d) of § 310.25 *Subsistence* are hereby revoked.

2. Effective as of January 1, 1950, at 12:01 a. m., e. s. t., the headnote and paragraph (a) of § 310.21 *Rates of pay* is revised to read as follows:

§ 310.21 *Pay and allowances.* (a) Enrollees of the Maritime Service while on active administrative duty shall receive the same pay and allowances according to cumulative years of service of their respective ranks, grades and ratings as are now or shall hereafter be prescribed for personnel of the Coast Guard with similar ranks, grades and ratings in Titles II and III of the "Career-Compensation Act of 1949" (Public Law 351, 81st Congress), including the rank of Com-